

From: Lou Lopez
To: Microsoft ATR
Date: 1/25/02 7:19pm
Subject: Microsoft Settlement

Gentlemen;

I know of no single contribution in my 35 plus years in business that has enhanced productivity more than the work product of the Microsoft Corporation. Were they guilty of predatory and/or monopolistic practices....you have the facts and you have ruled on them. That is past and there is not one shred of evidence that any of that type of behavior has been expressed in any way by the Microsoft Corporation in the last several years. Indeed, they probably are one of the most ethical firms in the country if not only for the fact that they know that there are numerous parties with virtually unlimited resources that are forever looking for such evidence to create another drain on the public's coffers via your good offices and to drain as much as they can from Microsoft in the naive belief that if they (i.e. Sun, Oracle, AOL) succeed, the loss in market position that Microsoft would suffer would be gained by them.

That "Zero sum" logic is so patently obvious that it is offensive. Is it fair for AOL to dominate both the content and delivery channels of so much of what is available via the internet and television? Is it fair for AOL to now impose increases on the rates of those intermediate ISPs that serve remote areas that suffer from being victims of the digital divide by connecting those folks to AOL? Didn't Netscape really nail its customers in clever ways when it was in its heyday.....look carefully and you will see what I saw. The "Scott and Larry" show that attempts to provide a "One-two" punch to Microsoft to anyone that will give them an audience is as offensive as their obvious "Zero sum" strategy. If anyone that ever worked for Oracle ever gave honest testimony you would learn from them that the daily demand on every employee from Larry Ellison himself was for them to do what it took to displace any competitor so that Oracle would not only be the dominant database engine provider....but would in time be the only database engine provider. If he had succeeded in his goal he would have had a monopolyhe just was not good enough to get there and continues to lose market share as I craft this letter to you. Don't think for a minute that if Scott and his Sun team could have locked up the engineering workstation or the Java Script language market potentials for themselves that they would have said "No". Scott, like Larry failed to succeed in monopolizing their chosen market sectors as Bill did....and so their egos and envy and very deep pockets turned them into fools with too much money and too much free time on their hands so they set out to use those resources against Microsoft and in so doing effectively cost the American taxpayer hundreds of millions of dollars to accomplish what a much less aggressive approach might well have accomplished.

There are a number of firms that effectively monopolize their market niches and perhaps without meaning to they effectively employ predatory practices by making it clear that if their customers don't do what they want they will not have access to that firm's goods and or services. Senator Sam Ervin said something in the Watergate hearings that seems to fit, it was the old "Two wrongs don't make a right". On the other hand it seems unfair that just because Microsoft was the largest of those firms that monopolize their market niches that they alone should be singled out as they have been.

It is time that we redirect our limited DOJ resources to more urgent issues and stop wasting the public's time and money to accommodate the interests of these three enterprises. Microsoft has agreed to the settlement terms and you can be sure that they will not want to go down this path again so this type of behavior will not likely be seen in Microsoft again for years to come. I most sincerely request that we move on to more important issues.

